

CUSTOMER NO.: 24498
Serial No.: 10/720,917

PATENT
PD020109

REMARKS

The Office Action mailed June 21, 2007 has been reviewed and carefully considered. No new matter has been added.

By this Office Action, Claims 1-10 have been amended and new Claim 11 has been added. Claims 1-11 are pending.

The Abstract has been objected to. Accordingly, an Abstract believed to be in proper form is submitted concurrently herewith. Withdrawal of the objection is respectfully requested.

Claims 1, 3, and 10 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1 and 11 of co-pending Application No. 11/230,596. As noted above, Claims 1, 3, and 10 have been amended. The Applicant respectfully asserts that the amended claims now include limitations that are not recited in Claims 1 and 11 of co-pending Application No. 11/230,596 and that are patentably distinct and non-obvious over Claims 1 and 11 of co-pending Application No. 11/230,596. Accordingly, Claims 1, 3, and 10 are believed to be patentably distinct and non-obvious over the cited reference for at least the preceding reasons. Accordingly, reconsideration of the rejection is respectfully requested.

Claims 1-10 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 20002/0156893 to Pouyoul et al. (hereinafter "Pouyoul").

It is to be noted that Claims 1 and 11 are the pending independent claims in the case.

Further, as noted above, Claims 1 and 11 have been amended.

Support for the first two steps/means recited in Claims 1 and 11 may be found at least at the following places in the Applicant's specification: *page 6, lines 14-27 (describes identification of the owner zone by a unique label, e.g., UUID, together with identification of peers with unique labels (UUIDs), page 7, lines 24-29 (a list defines which services the Owner Zone offers can offer other Owner Zones, if said other Owner Zones are permitted to access); page 11, lines 2-18 (give peers of a second Owner Zone access to certain content of a first Owner Zone; an Owner Zone contains a list of other Owner Zones which are regarded as Trusted Zones, where said other Owner Zones are represented e.g. by their respective unique labels; this relation of trust can be expressed towards any number of other Owner Zones); and page 12, lines 4-10 (a number of predefined levels of trust exists).*

Following submission of applicants' response of 20 August 2007, applicants received a Notice of Non-compliant amendment contending that the amended claims contained new matter because of the passages at pages 7, 11 and 12 of applicants' specification did not provide

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support for classifying group labels into classes as now recited in applicants' claims.

Applicants' specification at page 6, lines 14-27 provides ample support for the feature of classifying one or more group labels into a first class. (See lines 21-24 which discuss assignment, (e.g., classification) of one group related label to a peer.) Thus, the reference to applicants' specification for support for the amended claims should have included a reference to page 6, as well as pages 7, 11 and 12.

Support for the third, fourth, and fifth steps/means recited in Claims 1 and 11 may be found at least at the following places in the Applicant's specification: page 12, line 25 to page 13, line 7 (first peer belonging to a first Owner Zone receives a request for communication from a second peer belonging to a second Owner Zone, wherein the request contains the Zone_UUID of said second, requesting Owner Zone); and page 2, lines 7-22 (relating to nodes belonging to a group of nodes can cooperate with all other members of the same group, which however is defined by a common group label).

Support for the sixth and seventh steps/means recited in Claims 1 and 11 may be found at least at the following places in the Applicant's specification: page 12, line 25 to page 13, line 7 (see above); in pre-amended Claim 1; and Figures 4-6 and the corresponding description on page 11, lines 20-28, page 13, lines 25-31, and page 14, lines 1-11.

The amended independent Claims 1 and 11 clarify and emphasize the difference between the presently claimed invention and the known prior art.

It is respectfully asserted that Pouyoul does not teach or suggest the steps of/means for "defining for the group of nodes one or more classes of group labels; classifying one or more group labels into a first class", as recited in Claims 1 and 11.

Moreover, it is respectfully asserted that Pouyoul does not teach or suggest the steps of/means for "permitting said access if the group label of the second node is equal to the group label of the first node; otherwise determining if the group label of the second node is classified into the first class; and permitting said access if the group label of the second node is classified into the first class, otherwise rejecting said access", as recited in Claims 1 and 11.

Pouyoul discloses a system and method for the dynamic and transparent migration of services in a peer-to-peer networking environment, where one or more peer-to-peer platform pipes may be unbound from a peer hosting an instance of the service and be bound to another peer hosting another instance of the service (see, e.g., Pouyoul, Abstract). Thus, fault tolerance is improved, since a new peer at a different location can replace a crashed peer and take over the

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existing pipe in order to keep the communication ongoing (see, e.g., Pouyoul, Abstract). However, Pouyoul gives no detail information about how peer-groups are defined or how it is decided which external peer may join an existing peer-group. The statement "implementing one or more of the platform's protocols" (see paragraph [0098] of Pouyoul) is very general, and the statement "a peer may appear or leave the network at any time" (see paragraph [0099] of Pouyoul) is a conventional feature of peer-groups, since the existence of a peer-group usually does not depend on the availability of a particular peer. Similarly, the invitation mechanism described in paragraph [0259] of Pouyoul is suitable for peer discovery, but not for determining or controlling membership in a peer-group.

Further, the claimed relationship between different peer-groups is not described in Pouyoul. Instead, only nested or overlapping peer-groups are disclosed (see paragraph [0107] of Pouyoul), as shown in Figure 4 of Pouyoul. In the example of nested peer-groups, some peers may be a member of more than one peer-group. For the currently claimed invention, this is not necessary. In particular, Pouyoul does not show a classification of peer-groups according to their group-label and permitting or rejecting access depending on said classification, as claimed in amended Claim 1.

Thus, Pouyoul does not disclose at least the above-recited limitations of Claims 1 and 11 for at least the reasons set forth above.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Accordingly, independent Claims 1 and 11 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above.

Claims 2-10 depend from Claim 1 or a claim which itself is dependent from Claim 1 and, thus, includes all the elements of Claim 1. Accordingly, Claims 2-10 are patentably distinct and non-obvious over the cited references for at least the reasons set forth above with respect to independent Claim 1.

Accordingly, reconsideration of the rejections is respectfully requested.

In view of the foregoing, Applicants respectfully request that the rejection of the claims set forth in the Office Action of June 21, 2007 be withdrawn, that pending claims 1-11 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

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Conclusion

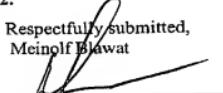
In view of the foregoing amendments to the claims and the accompany remarks, applicants solicit entry of this amendment and allowance of the claims. If, however, the Examiner believes such action cannot be taken, the Examiner is invited to contact the applicant's attorney at (609) 734-6820, so that a mutually convenient date and time for a telephonic interview may be scheduled.

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Kindly charge the cost of the additional independent claim, as well as any other fees
that may be due, to Deposit Account **07-0832**.

Respectfully submitted,
Meinolf Blawat

By 
Robert B. Levy
Reg. No. 28,234
Phone (609) 734-6820

Patent Operations
Thomson Licensing, Inc.
P.O. Box 5312
Princeton, New Jersey 08543-5312
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